



City and County of San Francisco
Meeting Minutes
Land Use and Transportation Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Myrna Melgar, Dean Preston, Aaron Peskin

Clerk: Erica Major
(415) 554-4441 ~ erica.major@sfgov.org

Monday, April 17, 2023

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Myrna Melgar, Dean Preston, and Aaron Peskin

The Land Use and Transportation Committee met in regular session, in-person with remote access and public comment via telephone, on Monday, April 17, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:33 p.m.

Remote Access to Information and Participation

The Board of Supervisors (www.sfbos.org) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access, and remote public comment via teleconference (<https://sfbos.org/remoted-meeting-call>). Members of the public may also submit their comments by email to the Clerk listed above; all comments received will be made a part of the official record.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Melgar, Vice Chair Preston, and Member Peskin were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

COMMUNICATIONS

Erica Major, Land Use and Transportation Clerk, instructed members of the public, when general public comment is called, to contribute live comments in-person or by dialing the telephone number published on the agenda and scrolling across the screen. Clerk Major further announced that in-person public comment will be taken before remote public comment is called.

*(Those who are providing public comment remotely must dial *3 to be added to the remote queue to speak. Written comments may be submitted through email (erica.major@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)*

REGULAR AGENDA

230311 [Administrative Code - COVID-19 Tenant Protections]

Sponsors: Preston; Walton, Peskin, Ronen and Chan

Ordinance amending the Administrative Code to extend by 60 days the restrictions on evicting or imposing late fees on residential tenants who could not pay rent that came due during the COVID-19 emergency; and including within those restrictions units where the rent is controlled or regulated by the City.

03/20/23; DUPLICATED. Duplicated from File No. 230260.

03/20/23; CONTINUED TO CALL OF THE CHAIR. Duplicated from File No. 230260.

04/03/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee.
Speaker: Michael Petrelis; spoke on various concerns relating to the hearing matter.

04/03/23; CONTINUED AS AMENDED.

Heard in Committee. Speakers: None.

**Vice Chair Preston moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT.
The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar requested that File Nos. 221105 and 221021 be called together.

221105 [Planning Code - HOME-SF]

Sponsor: Peskin

Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity - San Francisco (HOME-SF) program; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

10/25/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2022.

10/28/22; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review

11/04/22; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
11/4/22

02/24/23; REMAIN ACTIVE. On February 24, 2023, the Board adopted extension Resolution No. 68-23 (Board File No. 230146) extending the Ordinance an additional 90 days, expiring April 26, 2023.

03/03/23; RESPONSE RECEIVED. On February 16, 2023, the Planning Commission met and held a duly notice hearing recommending the proposed legislation.

03/13/23; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

Heard in Committee. Speakers: None.

Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of April 24, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

221021 [Planning, Administrative Codes - HOME-SF]**Sponsors: Dorsey; Peskin**

Ordinance amending the Planning Code to allow projects under Housing Opportunities Mean Equity (HOME-SF) to agree to subject new dwelling units to the rent increase limitations of the Rent Ordinance; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/27/2022.

10/03/22; REFERRED TO DEPARTMENT. Referred to Rent Board, MOHCD, OEWD, Office of Small Business, Planning Department and Planning Commission for informational purposes.

02/14/23; RESPONSE RECEIVED. CEQA clearance under Housing Element 2022 Update Final Environmental Impact Report certified by the SF Planning Commission November 17, 2022, Motion No. 21206 (updated response).

03/03/23; RESPONSE RECEIVED. On February 16, 2023, the Planning Commission met and held a duly noticed hearing recommending approval with modifications for the proposed legislation.

03/13/23; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

Heard in Committee. Speakers: None.

Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of April 24, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

220340 [Planning Code - Neighborhood Commercial and Mixed Use Zoning Districts]**Sponsor: Dorsey**

Ordinance amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use districts, and in historic and nonconforming commercial buildings in Residential Enclave districts; 3) principally permit General Entertainment in the Folsom Street NCT district; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial districts; 5) principally permit Nighttime Entertainment on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street unless they are zoned Residential Enclave District (RED) or Residential Enclave District - Mixed (RED-MX); 6) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility Uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 7) require that large developments in South of Market Mixed use districts which contain commercial spaces provide a mix of commercial space sizes; 8) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 9) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

04/05/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/5/2022.

04/08/22; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review; Department of Public Health, the Office of the Assessor Recorder, Department of Homelessness and Supportive Housing, and Office of Cannabis for informational purposes.

04/19/22; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. Supervisor Haney introduced a substitute Ordinance bearing a new title

04/27/22; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review; Department of Public Health, the Office of the Assessor Recorder, Department of Homelessness and Supportive Housing, and Office of Cannabis for informational purposes.

04/28/22; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

07/12/22; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Dorsey introduced a substitute Ordinance bearing a new title.

07/20/22; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review; and Department of Public Health, Office of the Assessor Recorder, Department of Homelessness and Supportive Housing, and Office of Cannabis for informational purposes.

08/10/22; RESPONSE RECEIVED. The Planning Commission noted they elected to not respond to the proposed legislation.

09/08/22; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

11/08/22; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Dorsey introduced a substitute Ordinance bearing the same title.

11/17/22; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review; and Department of Public Health, Office of the Assessor Recorder, Department of Homelessness and Supportive Housing, and Office of Cannabis for informational purposes, and the Small Business Commission for comment and recommendation.

12/06/22; RESPONSE RECEIVED. On November 17, 2022, the Planning Commission met and held a duly noticed meeting and recommended approval with modifications to the proposed legislation.

12/16/22; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Physical projects will require separate environmental review.

12/21/22; RESPONSE RECEIVED. On December 12, 2022, the Small Business Commission discussed their support for the proposed legislation.

02/01/23; RESPONSE RECEIVED. On December 7, 2022, the Historic Preservation Commission conducted a duly noticed hearing and recommended to approve the proposed legislation.

02/13/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Madison Tam (Office of Supervisor Matt Dorsey); Aaron Starr (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. James Hewitt; spoke in support of the hearing matter.

02/13/23; CONTINUED AS AMENDED.

02/27/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion. Tom Radulovich (Livable City); spoke in support of the hearing matter.

02/27/23; CONTINUED AS AMENDED.

03/13/23; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

Chair Melgar moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

220971 [Planning Code - Gates, Railings, and Grillwork Exceptions for Cannabis Retail Uses and Existing Non-Residential Uses and Change in 75% Gate Transparency Requirement to 20%]

Sponsors: Safai; Preston, Melgar and Mandelman

Ordinance amending the Planning Code to exempt certain existing gates, railings, and grillwork at Non-Residential uses from transparency requirements, subject to the provisions for noncomplying structures, and exempt Cannabis Retail uses from transparency requirements for gates, railings, and grillwork for a three-year period, provided the Cannabis use installs artwork on any new exempt gates, and require removal of gates, railings, and grillwork installed pursuant to that exemption when a Cannabis Retail use's business permit becomes invalid or the business ceases to operate, and change the transparency requirement for gates, railings, and grillwork in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use Districts from 75% to 20% open to perpendicular view with additional requirements for fire safety; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

09/13/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/13/2022.

09/21/22; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review; and Office of Cannabis and the Police Department for informational purposes.

09/22/22; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

10/12/22; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

11/29/22; RESPONSE RECEIVED. On November 14, 2022, the Commission heard this proposed legislation and unanimously voted to support the proposed legislation.

01/10/23; RESPONSE RECEIVED. On December 8, 2022, the Commission met and held a duly notice hearing and recommended approval with modification for the proposed legislation.

04/03/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Audrey Merlone (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Cash; Shawn Richard; spoke in support of the hearing matter. Terrance Allen, President (Castro Merchant's Association); spoke on various concerns relating to the hearing matter.

Supervisors Preston and Melgar requested to be added as a co-sponsors.

04/03/23; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion.

Chair Melgar moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230192 [Planning Code - Landmark Designation Amendment - 429-431 Castro Street (the Castro Theatre)]

Sponsor: Mandelman

Ordinance amending the Landmark Designation for Landmark No. 100, 429-431 Castro Street (the Castro Theatre), Assessor's Parcel Block No. 3582, Lot No. 085, under Article 10 of the Planning Code, to list the exterior features that should be preserved or replaced in kind, to add interior features to the designation, and to capture the property's full historical significance; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

02/15/23; RECEIVED FROM DEPARTMENT.

02/28/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/30/2023.

03/22/23; NOTICED. Notice of Public Hearing for 04/03/2023 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

04/03/23; CONTINUED. Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Alex Westoff (Planning Department); presented information and answered questions raised throughout the discussion. Jack Antons; Michael Jamie; Andrea Aiello, Executive Director (Castro Community Benefit District); Ed Driver; Kelly Corso; Noah Wilson Rich; spoke in support of the hearing matter. Ralfka Gonzalez (Indigo Arts); Jen Reck and Steven Torres (Castro LGBTQ Cultural District); Gerard Koskovich; Katherine Petrin (San Francisco Heritage); Drew Taylor; Kevin Scott; Gary Gregerson (Disabled Students Programs and Services Accessible Theater Arts); Jesse Sanford (Castro LGBTQ Cultural District); Peter Pastreich, Executive Director (Save the Castro Theatre); Robert Byrne, President (Castro Theatre Conservancy); Speaker; Speaker; Barbara Gersch; David Robson; Jim Abrams; Steven Bracco; Terrance Alan (Castro Merchants Association); Michael Petrelis; Mike Murray; Speaker; Eric (Calle 24 Latino Cultural District); Michael Katy; Jessica Dillon; Terry Beswick (Castro Merchants Association); Brendan Smith; T.J.; Steven Murphy; Matthew Carhart; Nancy DeStefanis; Ralph; Steve Brosan; Frank Dillon; Benjamin Boleto; Dillon Belton; Ray Connolly; Ed Gibert; Brian Springfield; Jared; David Wertz; Jared Goldstein; Kevin Lagora; Desmond Morgan; Tom Ammiano; spoke on various concerns relating to the hearing matter.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion. Jessie Hawthorne Ficks; Kathy Amendola; Tina Valentine Aguirre (Castro LGBTQ Cultural District); Steven Torres; Robert Medeira; Cathy Regan; Scott Emblidge; Jessica Dylan; Terese Piletti; Christine Madrid French (San Francisco Heritage); Joanne Desmons and Andrew Bennett (IATSE Local 16); Laurie Gordon (Art Deco Society of California); William Lewis; David Logan; Terry Beswick (Castro Merchants Association); Rocket; Debra Holly; Jesse Oliver Sanford; Kasey Curtsy; Orrosca Gonzales; Bill Samios; Rob Byrne, President (Castro Conservatory); Letta Fatahorn; Ethan Diamond; Keith Hall; Jeff Rodman; Joe Sangirardi; Speaker; Speaker; Speaker; Jessie Gourd; Caleb Sirang; Nina Vajen; Robert Markey; Ralph Hibbs (Castro Community Benefit District); Jared Goldfein; Terry Asten Bennett (Cliffs Variety); Donna Sachet; Mike Murray; Brendan Smith; Paul Hastings; Elsie; Scott Hollis; Blake Sealy; David Ballan; Connor Hopeletter; Ben Robinson; Andy Meyersen; Roy Koskovich; David Kim; Kevin Scott; Koby; Zero; Barbara Girsch; Speaker; John Bengston (Castro Theatre Conservancy); Will; Lindsey; Claud Grossian; Andrew Junius (Reuben, Junius & Rose LLP); Elisa Skaggs (Page & Turnbull); Carolyn Kiernat (Page & Turnbull); Jim Abrams; Speaker; Patrick Barks; Steven Bracco (Castro LGBTQ Cultural District); Sarah Evans; Don Richards; Drew Taylor; Mike Kelota; Mike Chen; Doug Sager; Chris Bellman; Speaker; Charlie Zukow (Castro Theatre Conservancy); Betty Sullivan; Mike Olcese (Allied Global Marketing); Dave Karraker; Bethany; Jared Cher; Desmond Morgan; Benjamin Bellito; Mike Kegan; Lincoln Madison; Gary Seith; Joshua Kell; Noah; Johnathan Allander; Sarah Fenamiller; Speaker; Heather Ripley; Josh Barnabe; Chris; Brady Mendsbury; Jessica Thresher; Joe Sing; Rebecca King; James Crown;

Carolyn Thomas; Alexander Goodkind; Speaker; Mel; David Parker; Toby; Michael Collins; Tina; Ray Conolly; Lisa Sandoval; Anne Marie Smutler; Jake Isgar (Alamo Drafthouse Cinema); Steve Rose; John Delaplaine; Speaker; Jen Rack; Mengot Ng; Isaac Eisenhower; Lian Ladia (500 Capp Street); Eli Sokol; Katie Gorham; Alan Billingsley; Michael Mintz; Elaine Nasser Padian (The Castro Theatre); Dave Gifford; Danny Yadegar; Nancy DeStefanis; Steven Fisk; Brett; Francis Ford Coppola; Niel Secree; Speaker; Steve Murphy; Randall Anne Homan; Alicia Breyer; Katie Siefkin; Lisa Aubrey; Greg; Rowan Yang; Bradley Portmeier; Kerry Micheaux; Charlie Tilly; Brian Springfield; spoke on various concerns relating to the hearing matter.

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding language to the findings Section for Auditorium Seating; on Page 8, Line 2, by striking ‘presence of’ and replacing it with ‘fixed theatrical seating configured in the movie-palace style;’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 2 - Preston, Peskin

Noes: 1 - Melgar

Vice Chair Preston moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of April 24, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 4:42 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Land Use and Transportation Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.